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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,922	08/25/2006	Jae-Hyuk Oh	PA.000.05400-04-108	4229
34704 7590 03/04/2009 BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510				
EXAMINER				
COLON SANTANA, EDUARDO				
ART UNIT		PAPER NUMBER		
2837				
MAIL DATE		DELIVERY MODE		
03/04/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,922

Applicant(s)

OH ET AL.

Examiner

Eduardo Colon-Santana

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 17 is/are allowed.
- 6) ☒ Claim(s) 15, 16 and 21 is/are rejected.
- 7) ☐ Claim(s) 12-14 and 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/25/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/25/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Detailed Action

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 8/25/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. Claims 12-14, 16 and 18-20 are objected to because of the following informalities: The claims depend from a cancel claim. This appears to be a mistyped error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15, 16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Newton U.S. Patent No. 6,690,363.

Referring to claim 21, Newton discloses a data selection system (see figures 1-3 and respective portions of the specification). Newton further discloses that the contact data selection can be use by either touching or non-contact (adjacent movement) of at least one data selection (102) (see Col. 4, lines 8-10). Furthermore, Newton depicts means (106) for transmitting a plurality of signals, wherein the means for emitting includes a plurality of electromagnetic signals (i.e.

infrared pulses (see Col. 3, lines 54-56) each aimed at a corresponding signal receiver (109). In addition to having by way of example a means (300) see figure 3, for altering the path by partially blocking at least one transmitted plurality of electromagnetic signals, wherein a means (200) detects the altered plurality of signals by means (216) which receives the intensified signal that is measured and process by means (202). Moreover, Newton describes means (202 and 217) for determining a position of the selection device from at least one of the altered plurality of signals and means (221) for correlating the position to at least one data selection (see Col. 7, line 7 to Col. 10, line 4).

As to claim 15, the method steps are inherent in the product structure of claim 21 above.

Referring to claim 16, Newton discloses that the data selection as describes above provides the ability to improve on a number of different types of devices and mentions various examples (see Col. 11, lines 60-64). However, the fact that Newton does not mention elevators does not preclude one from using it on elevator system. It is well known in the art to use contactless buttons/switches on touchscreens within elevator systems (see for example the prior art references listed on Form 892).

Allowable Subject Matter

4. Claims 11 and 17 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: In view of the limitations the prior art

does not teach or fairly suggest a method and system for providing non-contact data selection including transmitting means comprising means for transmitting a plurality of acoustic signal from at least three groupings, each of the at least three grouping comprising a signal emitter for emitting one of plurality of acoustic signal having a unique frequency and a signal receiver for receiving one of the plurality of acoustic signals.

Conclusion

6. The prior art made of record in form 892 and not specifically relied upon is considered pertinent to applicant's disclosure to further show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Colon-Santana whose telephone number is (571)272-2060. The examiner can normally be reached on Monday thru Friday 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on (571) 272-2800 X.37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eduardo Colon-Santana/
Patent Examiner
Art Unit 2837

/ECS/
February 28, 2009

/T C Patel/
Supervisory Patent Examiner, Art Unit 2839